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REMARKS

With entry of this Amendment and Response, claims 70, 72-78, 82-86, 96 and 98-102 are pending in the present application. Claims 69, 71, 79-81, 87-90, 92-95 and 97 are cancelled without prejudice.

Applicants reserve the right to represent the cancelled subject matter in one or more continuation applications or divisional applications.

Claims 70, 73, 85, 86, 96 and 98 are currently amended.

Amendments to the claims are supported through the specification, included but not limited to page 6, lines 23-25 (which correspond to previously presented claim 71).

In the office action, claims 73-75, 85 and 95-98 are rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claims the subject matter regarded as the invention.

With regard to claim 73, it is specifically asserted that the term "field of lipolysis" would be unclear to a skilled person since the term "field" does not refer to the reaction, but to the inhibitor. Applicants respectfully disagree. In fact, is understandable from the patent application as a whole, the screening method aims to compare the activity of a tested compound with a control, said control being in one embodiment an inhibitor known in the art. Applicants define this inhibitor known in the art to be an inhibitor known to be active in the field of lipolysis so that this control is recognized by those in the art to be active. However, despite the clarity of the term "field of lipolysis", Applicants have herein amended "an inhibitor known to be active in the field of lipolysis" in claim 73 to read "a compound known to be an inhibitor of LPL activity".

Claim 85 has been amended to cancel the term "particular".

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Claims 96 and 98 have been amended to be dependent from pending claims.

Also in the office action, claims 69, 87, 92 and 93 are rejected under 35 U.S.C. § 103 as being unpatentable in view of Comai et al. (US 4,218,443) and Halvorsen et al. (US 2001/0041708). Applicants note that claims 69, 87, 92 and 93 are cancelled herein.

Claims 69-78 and 82-87, 92, 93, 95 and 97 are rejected in the office action under 35 U.S.C. 103(a) as being unpatentable over Cook et al., Wagle et al., Takahashi et al., Tadeka et al., Vaino et al., Cheng et al., Carol et al., Nefa-C Kit instructions', Kikuchi et al., Pradines-Figueres et al. and Halvorsen et al.

In the office action, the newly referenced Pradines-Figueres et al. is asserted to contain a teaching sufficient for arriving to the invention as claimed, i.e. to a cell-free in vitro system for screening LPL activity. Specifically, Pradines-Figueres utilized a detergent-treated cell lysate of 3T3-F44A cells, adipose tissue, skeletal muscle cells and cardiac cells.

In this Amendment and Response, Applicants have further limited the claims to a cell lysate free in vitro system to clearly avoid the teaching of Pradines-Figueres et al., which does not correspond to the present invention.

It should be noted that the present invention aims to provide a method which is simple to use and give quickly a result to know whether a compound inhibit or not LPL activity.

The particularity of the invention which was not suggested in the art is to use a cell-free or cell-lysate free in vitro test of a complex medium comprising an inhibitor, LPL, a substrate, a cofactor of LPL and a fatty acid-acceptor substance or fatty acid-sequestering substance which avoids or limits the blockage of the enzymatic activity of LPL.

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There was no motivation in view of Pradines-Figueres et al. to arrive to the invention as claimed, since Pradines-Figueres et al. relates to cell lysate in vitro systems.

It should be particularly noted that page 1469, enzymatic assay of LPL teaches to use a radioactive counting method using tri[9, 10³H]oleoyl glycerol.

According to the whole teaching in the art, enzymatic assays of LPL are generally performed using a radioactive substrate in the case of a complex medium. It would not be obvious for a skilled person to use an enzymatic assay as claimed in the present claims for the identification of a compound or extract that inhibits LPL activity.

Takeda et al. teaches to use Nefa-C test in order to determine the fatty acid formation activity. However, it should be noted that column 4, line 38 teaches to use an isopropanol extract and thus a skilled person would have disregarded performing the Nefa-C kit (i.e. an enzymatic method) on the reaction medium, but would have extracted fatty acid from the reaction medium (which is complex) before performing the Nefa-C test.

None of Cook et al, Wagle et al, Takahashi et al, Vaino et al, Cheng et al, Carol et al, Kikuchi et al, and Halvorsen et al overcome the deficiencies set out above. Accordingly it is unobvious to a skilled person to arrive to the present invention as claimed.


In contrast, the cited prior art would teach a skilled person that when a complex medium should be assayed, radioactive substrate is necessary (using cell in vitro system or cell lysate in vitro system) and that enzymatic method like Nefa-C test should be performed on serum which is not complex in the sense of the present invention, i.e. does not comprise an inhibitor of LPL, which would significantly decrease the amount of fatty acid released in the medium, LPL, a cofactor of LPL, a fatty acid-acceptor substance or a fatty acid-sequestering substance avoiding or limiting the blockage of the

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enzymatic activity of LPL for a period of time sufficient for releasing at least in part non-esterified fatty acid from the substrate, and a substrate).

In view of the amendments and comments presented herein, favorable reconsideration in the form of a Notice of Allowance is respectfully requested. The Examiner is invited to contact Applicants attorney set forth below if the Examiner believes a telephone conference would further prosecution of the above application.

Respectfully submitted,
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